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AUG 12 2005

AFTER HOURS DEPOSITORY  
Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Memphis

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

CECIL JOHNSON, JR.,

Plaintiff,

v.

CADILLAC OF MEMPHIS, ET AL.,

Defendants.

Civil Action No.  
04-2140 BP

MOTION GRANTED

DATE: 8/17/05

J. DANIEL BREEN  
U. S. DISTRICT COURT

MOTION TO QUASH SUBPOENA

The Equal Employment Opportunity Commission (EEOC) files this Motion To Quash Subpoena served on Dwight Johnson, its Investigator in the Memphis District Office. The Motion to Quash is based on the following grounds:

1. The subpoena is defective because it fails to name the court from which it is issued and fails to state a command as required by Fed. R. Civ. P. 45(a)(1).
2. The subpoena is defective because plaintiff failed to tender a witness fee as required by Fed. R. Civ. P. 45(b)(1).
3. The subpoena is defective because it fails to allow a reasonable time for compliance, Fed. R. Civ. P. 45(c)(3)(A)(i).
4. The subpoena subjects the EEOC to an undue burden.
5. Mr. Johnson's testimony is irrelevant as held by Judge Pham when he denied plaintiff's request for a subpoena for Mr. Johnson.

A Memorandum In Support of this Motion is incorporated by reference into this

THOMAS M. GOULD  
CLERK U.S. DISTRICT COURT  
W.D. OF TENNESSEE

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This document entered on the docket sheet by compliance with Rule 58 and/or 79(a) FRCP on 8-17-05

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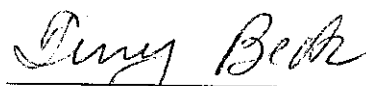
Respectfully submitted,

ERIC S. DREIBAND  
General Counsel

JAMES L. LEE  
DEPUTY GENERAL COUNSEL

GWENDOLYN YOUNG REAMS  
ASSOCIATE GENERAL COUNSEL

KATHARINE W. KORES  
Regional Attorney  
TN BPR # 6283

A handwritten signature in cursive script, appearing to read "Terry Beck", is written over a horizontal line.

TERRY BECK  
Supervisory Trial Attorney  
TN BPR # 9346

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Memphis District Office  
1407 Union Avenue, Suite 621  
Memphis, TN 38104  
(901)544-0138

### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was delivered via facsimile to the following:

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Cecil Johnson, Jr.  
91 North Belvedere, #15  
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Prose (FAX) 278-8409

*failed  
hand delivered*

08/13/05  
DATE

Terry Beck  
Terry Beck



## Notice of Distribution

This notice confirms a copy of the document docketed as number 49 in case 2:04-CV-02140 was distributed by fax, mail, or direct printing on August 17, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT